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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,634	07/03/2003	Wayne Chen	TNCR.178US1	4612
36257	7590	02/25/2005	EXAMINER	
PARSONS HSUE & DE RUNTZ LLP 655 MONTGOMERY STREET SUITE 1800 SAN FRANCISCO, CA 94111			STAFIRA, MICHAEL PATRICK	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/613,634	Applicant(s) CHEN ET AL.	
	Examiner Michael P. Stafira	Art Unit 2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25,26,28-31 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 27 and 32-36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/2/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. In the specification please amend the specification to include information that indicates that this is a Divisional of 6,590,645 etc....

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-26 28-31, 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. ('735).

#### **Claim 25**

Lee et al. ('735) discloses obtaining information concerning anomalies of the surface (See Abstract); processing the information using a first threshold to provide a first output (Col. 5, lines 3-17)(SI " $I_{\max}$ "); processing the information using a second threshold different from the first threshold to provide a second output (Col. 5, lines 3-17)(SZ " $Z_{I_{\max}}$ "); and analyzing the outputs and classifying the anomalies in at least one classification (Col. 6, lines 46-56).

#### **Claim 26**

Lee et al. ('735) further discloses comparing the two outputs to determine whether the anomalies are scratches, area anomalies or point anomalies (Col. 8, lines 55-59).

#### **Claim 28**

Lee et al. ('735) further discloses displaying only anomalies of sizes that exceed a predetermined threshold (Fig. 1, Ref. 60).

**Claim 29**

The reference of Lee et al. ('735) further discloses comparing size of each anomaly detected to the predetermined threshold (Col. 5, lines 54-60).

**Claim 30**

Lee et al. ('735) further discloses it classifies the anomalies by means of their distribution over the surface (Col. 8, lines 55-59).

**Claim 31**

The reference of Lee et al. ('735) further discloses classifying classifies the anomalies detected into two or more of the following three categories: scratches, areas and point defects (Col. 8, lines 58-59).

**Claim 37**

Lee et al. ('735) discloses displaying the anomalies detected (Fig. 1, Ref. 60).

**Claim 38**

The reference of Lee et al. ('735) further discloses displaying only anomalies of sizes that exceed a predetermined threshold (Fig. 1, Ref. 60).

**Claim 39**

Lee et al. ('735) further discloses comparing size of each anomaly detected to the predetermined threshold (Col. 7, lines 35-41).

**Claim 40**

The reference of Lee et al. ('735) further discloses controlling a sample processing parameter in response to the at least one classification (Col. 1-2, lines 57-21).

***Allowable Subject Matter***

3. Claims 27, 32-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed December 2, 2004 have been fully considered but they are not persuasive.

Applicant argues on pages 8-9, that Lee et al. fails to use a first and second threshold on the same layer etc... The examiner wishes to point-out that the claim limitations fail to disclose that the first and second thresholds have to come from the same layer, and therefore the x-y threshold and the z threshold read on applicant's limitations. Further, as disclosed in Lee et al. in column 5, lines 3-36 a threshold is calculated for SI and SZ wherein these values are calculated from a slice (a single layer), therefore reading on applicant arguments.

***Conclusion***

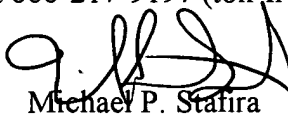
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael P. Stafira